

Amendment No. 2 to HB0432

Lamberth
Signature of Sponsor

AMEND Senate Bill No. 1278

House Bill No. 432*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-103(b), is amended by adding the following as a new subdivision (b)(4) and redesignating the current subdivision (b)(4) appropriately:

(A) Reckless endangerment under the circumstances set out in subdivision (b)(4)(B) is a Class E felony and shall be punished as an act of community terrorism, which includes, in addition to any period of confinement, the following:

(i) A minimum fine of five thousand dollars (\$5,000); and

(ii) Revocation of the driver license of a defendant for a period of five (5) years, to begin following any period of confinement imposed.

(B) Subdivision (b)(4)(A) applies to reckless endangerment committed by discharging a firearm:

(i) Into a group of two (2) or more people;

(ii) From within a motor vehicle, as defined by § 55-1-103; or

(iii) Into a motor vehicle, as defined by § 55-1-103.

(C) A person whose driver license has been revoked pursuant to subdivision (b)(4)(A)(ii) may apply to the court or any court of competent jurisdiction in the person's county of residence for a restricted driver license. The court may allow the issuance of a restricted driver license for the purpose of going to and from and working at the person's regular place of employment; going to and from the person's regular place of worship; and, in the case of a student enrolled full time in an institution of higher education, going

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to and from that institution. If the court issues the person a restricted license, the person may obtain a certified copy of the order and within ten (10) days after it is issued, present it, together with an application fee of sixty-five dollars (\$65.00), to the department of safety, which shall issue a restricted license embodying the limitations imposed in the order.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it.